

Development Review Board

Wednesday May 5, 2021

1. Call to Order – Recognition of Quorum

The meeting came to order remotely via the Zoom platform at 6 p.m. Present were DRB members Tom Huncharek (chair), Mike Day, Lon McClintock, and Tedd Habberfield. Also present were zoning administrator Shelly Stiles, applicants Art Coons and Sophia Miskel and Ms. Miskel's counsel Victoria Hone, citizens Gina and Charlie Jenks, Ed Smith, the Salan family, Michelle Mazzola, and Bennington Banner reporter Luke Nathan. Mr. Bruce Griswold had contacted the zoning administrator earlier in the day to indicate he had an interest in application 20-0095 and had the capability of attending by phone. He was not in attendance.

2. Conflict of Interest

No one reported a conflict of interest with any item on the agenda.

3. Approval of Minutes – April 21, 2021

Mr. Huncharek moved to approve the minutes. Mr. Day seconded the motion, which passed by roll call vote 4-0-0.

4. Application #20-0095 amended, Parcel 01 01 38, 1046 Shaftsbury Hollow Road, owner Art Coons, request to amend a permit for a home occupation to allow the fabrication and manufacture of custom-made firearms such as target pistols, long range target rifles, and other specialized firearms.

Mr. Coons explained that any gun he manufactured would be issued a serial number and the purchaser would undergo a background check. Once/if the Town approves his application, the Bureau of Alcohol, Tobacco and Firearms would issue him an additional license.

The DRB noted that should the application be approved, it would require that Mr. Coons submit a copy of that additional license. Ms. Stiles will remind Mr. Coons to submit that copy and a copy of the original ATF permit when he has returned home from his current hospitalization.

Mr. Coons said he would need to add a bench top milling machine and hobbyist lathe to his equipment cache to do the additional work. He said they were 110 Or 220 single phase machines.

He said the additional noise generated would be no louder than a Dremel tool.

He said the weapons would be tested at Hale Mountain Fish and Game Club, unless the weapons were equipped with a supressor, in which case he would test them on his property (as allowed by his previous permit).

He said any changes to conditions described in his original permit would be minimal. He might work at his bench more often, during off hours, but open hours would remain as described in his original permit and by appointment only.

Each weapon would be manufactured at the request of a specific customer, not on spec.

He might use polymer or wood stocks.

He prefers to use water soluble finishes and on wood, hand rubs. He could use something different if the customer so requested.

He has a paint booth for his hobby modelling work (about 30" x 24") and could if necessary use it for sprayed-on finishes. Any fumes generated would be "miniscule."

He will have no employees.

Mr. Huncharek moved to close the hearing. Mr. McClintock seconded the motion, which passed by roll call vote 4-0-0. Mr. Huncharek reminded Mr. Coons that the DRB has 45 days in which to

make a decision. If a decision has not been reached in that time, approval is automatic. The decision will be mailed to Mr. Coons.

5. Continuation of hearing, application #21-0019, parcel 09 20 21, 2629 Route 7A, owner Polin Inc. (DBA Hillbrook Motel): change of use from existing transient lodging to a nine-unit housing facility, with one unit permanently reserved for affordable housing.

Ms. Hone introduced herself as representing Ms. Miskel in the matter of the affordable housing covenant.

The DRB turned to a review of the revised site plan, which did not meet the requirements of bylaw section 3.5.2. Mr. Huncharek told the applicant that the DRB's job is a straightforward one; it reviews the evidence submitted by the applicant and interested parties to ensure the application complies with the bylaws and therefore the will of the townspeople. He said incomplete applications could work to the detriment of the applicant.

Mr. McClintock suggested the hearing be adjourned so that the applicant could produce a complete application. He said he didn't want to have to deny the application because the application was incomplete.

Ms. Hone asked if the DRB could weigh in on the adequacy of the affordability covenant. She noted that the DRB could impose conditions to further strengthen the enforcement clause.

Ms. Miskel asked what else should be added to the site plan. Mr. Huncharek said that, for example, rather than submit a site plan which on one page contains all the elements listed in bylaw section 3.5.2, she has instead submitted multiple documents. He said it is only by requiring the same kind and degree of compliance with the requirements that all applicants can be treated fairly.

Ms. Miskel said she could obtain a complete application package by June 2.

Mr. Day suggested the engineer who completed her wastewater application could be helpful.

Mr. Huncharek moved to continue the hearing to June 2. Mr. Day seconded the motion, which passed by roll call vote 4-0-0.

6. Review of proposed Boundary Line Adjustment bylaw

Mr. McClintock brought up on the Zoom screen changes he suggested making to the draft provided by the zoning administrator. He described the major changes.

The board discussed whether a survey plat would be required in step one, or whether a sketch plan would suffice. It was agreed a survey plat was most appropriate for various reasons.

Ms. Stiles noted that the language would be reviewed by town counsel.

A change in the way in which the items required on the plat were listed was discussed and agreed upon.

All changes were agreed upon. Ms. Stiles will forward the document to the Planning Commission.

7. Other business

Ms. Stiles noted she has no new applications for review at the May 19 meeting. All agreed to cancel it.

Mr. McClintock said he would be away for the second July and first August meeting and probably wouldn't have web access.

Mr. Huncharek moved to adjourn the meeting at 7:45 p.m. Mr. Habberfield seconded the motion.

Notes by ZA Stiles.